



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

February 21, 2025

Pender Makin, Commissioner
Maine Department of Education
23 State House Station
Augusta, ME
04333-0023
commish.doe@maine.gov
sent via E-mail

UNDER EMBARGO

OCR Case Number 01255902

Dear Commissioner Makin:

The United States Department of Education's (Department) Office for Civil Rights (OCR) writes to inform you that it is initiating a directed investigation of the Maine Department of Education (MDOE).

Under President Trump's February 5, 2025, Executive Order, [Keeping Men Out of Women's Sports](#), "it is the policy of the United States to rescind all funds from educational programs that deprive women and girls of fair athletic opportunities," and to take "all appropriate action to affirmatively protect all-female athletic opportunities and all-female locker rooms and thereby provide the equal opportunity guaranteed by Title IX of the Education Amendments Act of 1972." This Order is informed by President Trump's January 20, 2025, Executive Order [Defending Women from Gender Ideology Extremism](#), and the Department of Health and Human Services' February 19, 2025, [guidance on defining sex](#). Accordingly, this directed investigation is in furtherance of President Trump's policy directives and OCR's mandate to enforce federal civil rights laws.

Pursuant to its regulatory authority, as set forth in 34 C.F.R. § 106.81, OCR will initiate an investigation whenever a report, complaint, or other information indicates a possible failure to comply with the laws and regulations that OCR enforces.

OCR enforces Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. Pursuant to its statutory authority, as set forth in 20 U.S.C. § 1682, and if necessary to enforce Title IX, OCR will act to terminate Federal financial assistance or effect compliance by "any other means authorized by law."

Ms. Pender Makin
February 21, 2025
Page 2

OCR's directed investigation will examine whether MDOE denies equal athletic benefits and opportunities to female student athletes through general or athletics-specific participation policy(s) that permit, direct, instruct, or require Maine high schools to allow males to participate in girl's interscholastic athletics, thereby depriving girls and young women of equal athletic opportunities. As a corollary to this alleged conduct, a potential Title IX violation occurs when a covered entity denies female students female-only intimate facilities, such as sex-segregated locker rooms and bathrooms.

OCR's initiation of a directed investigation is not itself evidence of a violation of federal civil rights laws and regulations. However, MDOE's posted statement ["Update Regarding Recent Executive Order"](#) appears to acknowledge that it is knowingly taking a position in irresolvable conflict with Federal law and instructing schools throughout Maine to do the same.

This letter also informs MDOE that OCR is opening a parallel directed investigation into potential Title IX violations committed by Maine School Administrative District #51 (MSAD #51), wherein Greely High School, according to credible local [reporting](#), has knowingly allowed at least one male student athlete to continue competing in sports categories and events designated for girls. Indeed, MSAD #51 posted online a statement ["From the Superintendent"](#) that the District is "following state law as directed by the MDOE" with regard to "Transgender Policies." Neither MDOE nor the schools in its jurisdiction can evade Title IX compliance obligations by deferring to the policies of a private association (such as the Maine Principal's Association, which recently [stated its intent](#) to continue a "gender identity" policy for athletics that is facially in conflict with Title IX requirements not to discriminate against girls on the basis of sex).

OCR's Boston regional office will conduct this directed investigation. Given the Maine Department of Education's publicly posted position in opposition to Title IX compliance throughout its education programs and activities, girls and young women will be, and are being, irreparably harmed on a continuous basis. Thus, OCR will utilize its Rapid Resolution Process, as set forth in Section 110 of OCR's Case Processing Manual. OCR's Boston regional office will contact MDOE forthwith to pursue expedited processing of this directed investigation to ensure that, as long as Maine accepts Federal funds, it protects the rights of female students. Should you have any questions, please do not hesitate to contact David Samberg at David.Samberg@ed.gov.

Sincerely,

/s/

Craig Trainor
Acting Assistant Secretary for Civil Rights
United States Department of Education